IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No.254 (M/B) of 2004

Vikram Nath S/o Sri Ram Surat,
R/o J-57, Shivalik Nagar, Hardwar

.... **Petitioner**

Vs

1. State of Uttaranchal through secretary Ministry of Revenue, Dehradun
2. District Magistrate/Collector, Hardwar
3. Additional District Magistrate (Revenue) Hardwar

.....Respondents

Sri Pankaj Miglani, ld. counsel for the petitioner
Sri K.P. Upadhyaya, ld. standing counsel for State

Dated: - August 11, 2006

Coram: Hon'ble P.C.Verma,J.
Hon'ble B.S. Verma,J.

This writ petition has been filed by the petitioner challenging the order dated 16.7.2003 passed by Respondent No.3 contained in Annexure No.3 to the writ petition by which the representation of the petitioner has been rejected holding that the petitioner could not produce the character certificate.

2. Learned counsel for the petitioner submitted that the petitioner was not at fault as he applied for the character certificate and it was not issued by Respondent No.2, therefore, he could not submit the same. He had mentioned this fact in his application.

3. Admittedly, the petitioner was an accused in a case under Section 302 of I.P.C. Now, the trail has been concluded and the petitioner has been acquitted. The State Government has filed an appeal against this order which is pending before this Court. Therefore, the

judgment by which the petition has been acquitted is subjudiced before this Court.

4. In view of this factual position, the petitioner carries a blot on his character being accused for an offence under Section 302 of I.P.C. Therefore, the respondent No.3 did not issue the character certificate and representation of the petitioner has rightly been rejected.

5. In view of the above, the writ petition is devoid of merit and is accordingly dismissed. No order as to costs.

(B.S. Verma, J.) **(P.C. Verma, J.)**

Rajeev Dang